

**ZONING COMMITTEE
AGENDA
WEDNESDAY, AUGUST 31, 2011**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, August 31, 2011** in Committee Room #2, at 9:37 a.m.

The following members were present:

**The Honorable Aaron Watson, Chair
The Honorable Cleta Winslow, Vice Chair
The Honorable Howard Shook
The Honorable Keisha Lance Bottoms
The Honorable Carla Smith
The Honorable Kwanza Hall**

The following Councilmember was absent:

The Honorable Ivory Lee Young, Jr.

Others present at the meeting were: Director Charletta Wilson-Jacks, Department of Planning and Community Development; City Attorneys Lem Ward and Jeffery Haymore, Law Department and members of the public and Council staff.

A. ADOPTION OF AGENDA - ADOPTED

B. APPROVAL OF MINUTES - APPROVED

CONSENT AGENDA

C. ORDINANCES FOR FIRST READING

11-O-1279 (1)
Z-11-21 An Ordinance by Zoning Committee to amend the 1982 Atlanta Zoning Ordinance, as amended, so as to revise the Inman Park Historic District Regulations (Chapter 20L of the Zoning Ordinance) adopted on April 10, 2002; so as to revise the Compatibility Rule; so as to revise the types of Certificates of Appropriateness required; so as to revise the language regarding subdivisions and aggregations; so as to clarify certain design and setback requirements; so as to revise the off-street parking language; and for other purposes.

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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C. ORDINANCES FOR FIRST READING (CONT'D)

11-O-1280 (2) An Ordinance by Zoning Committee to amend Ordinance U-
U-73-14/ 73-14, as adopted by the Board of Alderman on May 21,
(TR10-003) 1973 and approved by the Mayor on May 25, 1973 for the
 purposes of approving a Transfer of Ownership for a Special
 Use Permit for a Daycare Center for property located at **1039**
 Camilla Street, SW; and for other purposes.

**FAVORABLE - TO BE REFERRED TO ZONING
COMMITTEE**

11-O-1281 (3) An Ordinance by Zoning Committee to amend Ordinance U-
U-11/26/U-08-31/ 08-31 adopted by the City Council on March 16, 2009 and
U-03-19/U-95-23A/ approved by the Mayor on March 24, 2009 and U-03-19
U-93-17/U-80-01 adopted by the City Council on September 2, 2003 and
 approved by the Mayor on September 10, 2003; Ordinance
 U-95-23A adopted by the City Council on October 2, 1995
 and approved by Operation of Law on October 10, 1995;
 Ordinance U-93-17 adopted by the City Council on August
 2, 1993 and approved by the Mayor on August 10, 1993 and
 Ordinance U-80-01, as amended, adopted by the City
 Council on March 3, 1980 and approved by the Mayor on
 March 10, 1980, granting a Special Use Permit for a Private
 School property located at **1424 West Paces Ferry Road,**
 NW, so as to delete all previously adopted site plans and
 adopt a revised site plan.

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING
COMMITTEE**

11-O-1282 (4) An Ordinance by Zoning Committee granting a Special Use
U-11-27 Permit pursuant to Section 16-17.005(l)(w) for a Processing
 Facility, property located at **111 Hollow Tree Lane, SW,**
 fronting approximately 25 feet on the west side of Hollow
 Tree Lane beginning approximately 335 feet from the
 northwest corner of Empire Boulevard and Hollow Tree Lane.

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C. ORDINANCES FOR FIRST READING (CONT'D)

Depth: Varies
Area: Approximately 14.68 Acres
Land Lot: 66, 14th District, Fulton County, Georgia
Owner: Larise Hartsfield 75 Associates
Applicant: Plasmet, LLP (a Georgia Limited Liability Partnership)

NPU-Z

Council District 2

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

11-O-1283 (5)
U-11-28

An Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16-16.005(l)(n) and Section 16-17.005(l)(c) for a Processing Facility and Scrap Metal Processing Facility, property located at **940 Marietta Boulevard, NW**, fronting approximately 287 feet on the west side of Marietta Boulevard beginning approximately 1,980 feet from the northwestern corner of Marietta Street and Marietta Boulevard.

Depth: Varies
Area: Approximately 2.0 Acres
Land Lot: 190, 17th District, Fulton County, Georgia
Owner: Metro Atlanta Land Group, LLC
Applicant: Stone Metal, LLC c/o Battle, PC

NPU-K and J

Council District 3

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

11-O-1284 (6)
U-11-29

An Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16-11.005 (l)(l) for outdoor dining at eating and drinking establishments when any part of such use is located within 1,000 feet of property that is zoned R-1 through R-5, or that is used as a residential property. Property located at **664 North Highland Avenue, NE**, fronting approximately 75 feet on the north side of Blue Ridge Avenue at the northwest intersection of North Highland and Blue Ridge.

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C. ORDINANCES FOR FIRST READING (CONT'D)

Depth: 100 Feet
Area: Approximately 0.172 Acre
Land Lot: 16, 14th District, Fulton County, Georgia
Owner: Southern Buffalo, LLC
Applicant: Michael Sard
NPU-N Council District 2

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

11-O-1285 (7) An Ordinance by Zoning Committee granting a Special Use
U-11-30/U-06-25 Permit pursuant to Section 16-11.005(l)(d) for a amusement
arcades and game rooms (Bowling Center), property located
at **1959 Metropolitan Parkway, SW**, fronting approximately
201 feet on the west side of Metropolitan Parkway.

Depth: Varies
Area: Approximately 2.0 Acres
Land Lot: 103, 14th District, Fulton County, Georgia
Owner: Stewart Square, LLC
Applicant: Bruce Richardson
NPU-X Council District 12

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

11-O-1286 (8) An Ordinance by Zoning Committee granting a Special Use
U-11-31 Permit for a Church, pursuant to Section 16-06.005(l)(c),
property located at **850 Cascade Avenue, SW**,
approximately 595 feet on the south side of Cascade Avenue
and approximately 238 feet on the west side of Richland
Road and approximately 460 feet on the north side of
Westmont Road.

Depth: Varies
Area: Approximately 3.58 Acres
Land Lot: 150, 14th District, Fulton County, Georgia
Owner: Community Church of God
Applicant: Daniel Woodson
NPU-S Council District 4

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C. ORDINANCES FOR FIRST READING (CONT'D)

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

- 11-O-1287 (9)
U-11-32
- An Ordinance by Zoning Committee granting a Special Use Permit for a Daycare Center, pursuant to Section 16-06A.005(l)(b), property located at **2150 Bolton Road, NW**, approximately 618 feet on the north side of Bolton Road at the intersection of Bolton Road and Parrott Avenue.
- Depth: Varies
Area: Approximately 2.813 Acres
Land Lot: 256, 17th District, Fulton County, Georgia
Owner: First Baptist Church of Chattahoochee
Applicant: Randy E. Pimsler
NPU-D Council District 9

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

- 11-O-1288 (10)
U-11-33
- An Ordinance by Zoning Committee granting a Special Use Permit for a Junkyard, Automobile Salvage Yard, pursuant to Section 16-17.005(l)(c), property located at **415 Sawtell Avenue, SE**, approximately 205 feet on the south easterly side of Sawtell Avenue.
- Depth: Varies
Area: Approximately 7.0 Acres
Land Lot: 40, 14th District, Fulton County, Georgia
Owner: Norfolk Southern Railway Company
Applicant: Greater Atlanta Towing and Transportation, LLC
NPU-Y Council District 1

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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REGULAR AGENDA

D. ZRB SUMMARY REPORT

E. PAPERS HELD IN COMMITTEE

10-O-0013 (1)
Z-07-113 An Ordinance by Councilmember Aaron Watson **as substituted and amended by Zoning Committee** to rezone from the I-1-C (Light Industrial-Conditional) District to the MRC-3 (Mixed Residential Commercial) District, property located at 430 and 460 Englewood Avenue, SE, fronting approximately 678 feet on the north side of Englewood Avenue beginning approximately 132 feet from the northeast corner of Mailing Avenue. **(Substituted as amended and held 1/13/10 at the request of the District Councilmember)**
Depth: Approximately 1,010 feet
Area: Approximately 10.32 acres
Land Lot: 42, 14th District, Fulton County, Georgia
Owner: JWGST LLC/Joseph Wiles
Applicant: Jason Fritz
NPU-Y **Council District 1**

HELD

10-O-0018 (2)
Z-08-73 An Ordinance by Councilmember Aaron Watson **as substituted and amended by Zoning Committee** to rezone from the R-4 (Single Family Residential) and NC-2 (Neighborhood Commercial) Districts to the NC-2 (Neighborhood Commercial) District, properties located at **1146 Portland Street, SE, 1152 Portland Street, SE, 1131 Glenwood Avenue, SE, 1137 Glenwood Avenue, SE, 525/527 Moreland Avenue, SE, 529 Moreland Avenue, SE, 535 Moreland Avenue, SE and 537 Moreland Avenue, SE**, fronting approximately 250 feet on the north side of Portland Avenue, approximately 300 feet on the west side of Moreland Avenue and approximately 250 feet on the south side of Glenwood Avenue. **(Substituted and held 1/13/10 at the request of the District Councilmember)**

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

10-O-0035 (3)
U-09-22 An Ordinance by Councilmember Aaron Watson granting a Special Use Permit for a Day Care Center pursuant to Section 16-08.005 (l) (b) for property located at **3751 Martin Luther King, Jr. Drive, SW**, fronting approximately 165 feet on the southeasterly side of Martin Luther King, Jr. Drive at the northeastern intersection of Martin Luther King, Jr. Drive and Bolton Road. **(Held 1/27/10 at the request of the District Councilmember)**
Depth: Varies
Area: Approximately 5.8 Acres
Land Lot: 15, 14th District, Fulton County, Georgia
Owner: Charitable Connections, Inc.
Applicant: Charitable Connections, Inc./Michelle R. Uchiyema

NPU-H

Council District 10

HELD

10-O-1473 (4)
U-10-24 An **Amended** Ordinance by Zoning Committee granting a Special Use Permit under the provisions of Section 16-06.005(l)(g) for a Personal Care Home, property located at **2695 Dodson Terrace, SW**, fronting 75 feet on the north side of Dodson Terrace and approximately 480 feet west of the intersection of Dodson Terrace and Dodson Drive. **(Held 9/29/10) (Held at the request of the District Councilmember)**
Depth: Varies
Area: Approximately 0.2894 Acre
Land Lot: 199, 14th District, Fulton County, Georgia
Owner: Nnenna M. Ekeke
Applicant: Nnenna M. Ekeke

NPU-R

Council District 11

HELD

10-O-1886 (5)
Z-10-29 An Ordinance by Zoning Committee to rezone property from the R-5 (Two Family Residential) District to the R-4B (Single-Family Residential) District, for property located at **815 Kirkwood (a.k.a. 812 Harold Avenue)**.

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E. PAPERS HELD IN COMMITTEE (CONT'D)

SE, property fronting approximately 50 feet on the north side of Harold Avenue beginning 400 feet from the west side of Chester Avenue. **(Held 3/2/11) (Held at the request of the District Councilmember)**

Depth: 100 Feet

Area: Approximately 0.114 Acre

Land Lot: 20, 14th District, Fulton County, Georgia

Owner: Drum Custom Renovations, LLC

Applicant: Nathan J. Boston

NPU-N

Council District 5

Councilmember Smith made a motion to approve. The vote was unanimous.

FAVORABLE

- 11-O-0824 (6) An Ordinance by Zoning Committee to amend Section 6-4028 and to create Section 6-4028.1 of the Land Development Code, Part III of the Code of Ordinances, so as to change the Deferral Fee for Variance and Special Exception Applications before the Board of Zoning Adjustment to a flat fee for each instance that the Board grants an applicant's request for deferral to a subsequent public hearing on the application; and for other purposes. **(Held 6/15/11) (To be Advertised for a Public Hearing)**

HELD

- 11-O-0692 (7)
U-11-16 An **Amended** Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16-28.023 (2)(c)(3) and Section 16-28.027 (3)(c) of the City of Atlanta Zoning Ordinance for a Transfer of Excess Development Rights. Said use is granted to Atlanta BeltLine, Inc. (Recipient Parcel) its successors, assigns and all subsequent owners and are to be transferred from the **544 North Angier Avenue, NE (Donor Parcel)**. **(Referred back by Full Council 7/18/11) (Held 7/27/11)**

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

11-O-0693 (8) An **Amended** Ordinance by Zoning Committee granting a
U-11-17 Special Use Permit pursuant to Section 16-28.023(2)(c)(3)
and Section 16-28.027 (3)(c) of the City of Atlanta Zoning
Ordinance for a Transfer of Excess Development Rights.
Said use is granted to Atlanta BeltLine, Inc. (Recipient
Parcel) its successors, assigns and all subsequent owners
and are to be transferred from **641 (aka 665) North
Avenue, NE (Perlman Tract) (Donor Parcel)**. (Referred
back by Full Council 7/18/11) (Held 7/27/11)
HELD

11-O-0857 (9) An **Amended** Ordinance by Zoning Committee granting a
U-11-18 Special Use Permit pursuant to Section 16-28.023 (2)(c)(3)
and Section 16-28.027 (3)(c) of the City of Atlanta Zoning
Ordinance for a Transfer of Excess Development Rights.
Said use is granted to Atlanta BeltLine, Inc., (Recipient
Parcel) its successors, assigns and all subsequent owners
and are to be transferred from the **690 Morgan Street,
NE. (a.k.a. 0 North Avenue Tax Parcel identification
14-0018-0001-026-5)**. (Donor Parcel). (Referred back
by Full Council 7/18/11) (Held 7/27/11)
HELD

LINK TO ZRB PENDING LEGISLATION

<http://citycouncil.atlantaga.gov/2011/pendingzrb.htm>

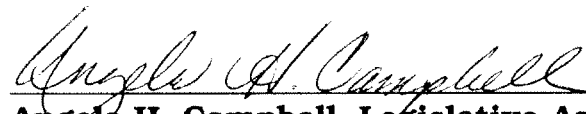
SUMMARY REPORT
August 31, 2011

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
<u>FAVORABLE ON SUBSTITUTE</u>						
10-O-1773	Z-10-30	Farmers' Market	Text Amendment	Approval of a Substitute Ordinance	See worksheet	Approval of a Substitute Ordinance
FAVORABLE ON SUBSTITUTE 5 Yea's, 1 Nay						
11-O-0448	Z-11-08	Special Use Permit	Text Amendment	Approval of a Substitute Ordinance	See worksheet	Approval of a Substitute Ordinance
11-O-0784	Z-11-16	607 and 611 Joseph E. Boone Blvd. L-3	R-4A to MRC-1-C	Approval Conditional of a Substitute Ordinance	Approval Conditional	Approval Conditional of a Substitute Ordinance
<u>FAVORABLE AS AMENDED</u>						
11-O-0694	U-11-19	470 Macedonia Road, S.E. Z-12	Special Use Permit for a Personal Care Home	Approval Conditional	Approval	Approval Conditional
<u>ADVERSE</u>						
11-O-0232	U-10-40	1545 Brewer Boulevard, S.E. X-12	Special Use Permit for a Personal Care Home	Denial	Deferral	Denial
11-O-0542	U-11-14	4246 Campbellton Road, S.W. P-11	Special Use Permit for a Personal Care Home	Denial	Denial	Denial

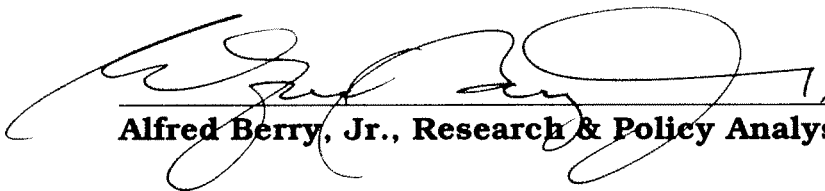
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There being no further business to come before the Zoning Committee the meeting was adjourned at 9:55 a.m.

Respectfully submitted:



Angela H. Campbell, Legislative Assistant



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Aaron Watson, Chair